

Letters of Recommendation

Official title and stationery may be used to respond to a request from an individual who seeks an *employment recommendation or character reference* if

- the individual being recommended is seeking Federal employment, OR
- the USDA employee has dealt with the individual being recommended in the course of Federal employment,

AND

- the USDA employee has *personal knowledge* of the ability or character of the individual making the request.

Official Title and Stationery May Be Used:

- to write a letter recommending an individual seeking to work for USDA or another Government agency;
- to write a letter recommending USDA colleagues who are U.S. citizens;
- to write a letter recommending USDA colleagues who are *not* U.S. citizens *only* if the USDA employee represents his or her own views , i.e., personal opinion of the value and credentials of a foreign scientist.

Official Title and Stationery May Not Be Used:

- to write a letter recommending a personal friend;
- to write a letter recommending a relative;
- to write a letter recommending a person who is applying to a potential non-Federal employer if the supervisor determines that responding to such a request is *not* part of the USDA employee's official duties;
- to write a letter recommending a grant applicant in support of a grant application to the USDA or another Federal agency;

NOTE: Such a letter may violate the anti-representation statutes. USDA employees may write representing their own opinions regarding an applicant if they are personally familiar with the applicant. USDA employees must write on personal stationery and send the letter directly to the applicant (not to the proposed funding source). USDA employees may not urge any actions (e.g., funding) nor make any statements regarding the proposed application (e.g., encourage support). Writing even this type of personal letter may not be appropriate for extramural staff.

- to write a letter recommending a colleague who is *not* seeking Federal employment or with whom with USDA employee has *not* dealt with in the course of Federal employment;

EXAMPLE. Prior to coming to USDA, an employee taught at a university. A former student has just graduated and is seeking a job with the university. The former student asks for a letter of recommendation from the USDA employee. The USDA employee may NOT write such a letter on official stationery with official title. The former student is not seeking Federal employment nor has the USDA employee dealt with the former student in the course of Federal employment.

What if during the time the employee is at USDA, the student worked with the employee to edit a manuscript? In this case, assuming the employee worked on the manuscript as part of official duties, the employee may write a letter recommending the student and may use official stationery and the USDA employee's official title because the USDA employee has dealt with the student during the course of Federal employment.

EXAMPLE. An Institute Director is asked to write a letter recommending a colleague for a fellowship. The Director can do so and use official stationery and official title **only if** the Director dealt with the colleague in the course of Federal employment and the fellowship is from a private (non-Federal) source.

- to write a letter recommending a contractor, vendor, or supplier of goods or services;

NOTE: This raises issues of endorsement and preferential treatment by the USDA. Such letters are used by these entities to advertise and promote their products and services and to obtain future business. USDA employees *may* write about a contractor's progress/performance in the course of an official evaluation of the contract, but may not recommend that others use the vendor's services or good.

EXAMPLE. A contracting officer attends a course on procurement integrity. USDA contracted for the course with Management Concepts, Inc. The contracting officer really enjoyed the course. The contracting officer may write a letter recommending the course on personal stationery and sign her name "Mary Smith". She may only refer to her USDA position as one of several biographical details in the body of her personal letter and make it clear that she is writing in her personal capacity. For example, she may say "As a government contracting officer, I found the course very accurate and presented in a useable manner." This gives Mary Smith the credibility to make the recommendation without endorsing the course officially.

to write a letter recommending an individual for academic tenure when "personal knowledge" of the individual is limited to the USDA employee's handling of that individual's grant.

Tenure Recommendations: Given that the granting of tenure falls within the internal business of the University and given the importance which tenure status has upon the financial interests of the candidate and the University, Agency managers should presume that the University, in asking the employee to participate in its tenure deliberations, seeks the employee's involvement in his or her official capacity and the Agency manager must then ensure that any such involvement be limited in a manner that best protects the interests of the Federal Government. An employee may not participate in internal University deliberations or decisions concerning tenure, including serving as a member of a tenure committee.

When authorized in advance by the Agency, an employee may provide the University with an appropriate statement concerning that employee's evaluation of the professional qualifications of a University tenure candidate. Factors to consider in determining whether an evaluation is appropriate may include the following:

- The University sends a request to the Agency for the employee's statement;
 - The employee's statement expresses a factual evaluation of the candidate's credentials based on official collaborations;
 - The evaluation would be based upon observations that the Agency employee made during his or her official duties as a Federal employee; and
 - ***The statement avoids language making a tenure recommendation.***
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USDA employees may not write letters of reference/recommendation to (or for submission to) another federal agency in support of a Visa or Green Card application.

Letters of reference/recommendation may not be written by USDA employees to or for submission to another federal agency in support of Visa or Green Card applications, but may be written on USDA letterhead for any individual who applies for federal employment.

Specific Examples

1. Letters in support of visa, extension, or green card: You are requested (by an individual, by his/her attorney, or by an institution) to write a letter that you or the requestor will send to the Department of Homeland Security, United States Citizenship and Immigration Services (DHS-USCIS), or other federal agency supporting a petition for a visa, extension, or green card.

Not allowed: You cannot send a letter of recommendation or support on behalf of another individual to or for submission to any government agency, whether on USDA letterhead, or on plain stationery.

Why: A criminal statute, 18 USC § 205, prohibits a federal employee from making representations on behalf of another before or to a federal entity (except in relation to federal employment).

2. Official request for waiver, green card or other immigration information: The DHS-USCIS or Department of State (DOS) contacts you to obtain information about the qualities and qualifications of a current or former postdoctoral employee in your USDA location.

Allowed: You may write such a letter on USDA letterhead in response to such a written request from another government agency. Your response should be reviewed through the appropriate supervisory chain.

Why: The request is made officially from one government agency to another, and would be transmitted by as an official USDA communication. The statute does not prohibit official, agency cooperation and communication.

For additional information, contact the REE Ethics Office at: ReeEthics@ars.usda.gov

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